

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Almond Tree Hulling Co.; Arakelian Farms;
Baugher Ranch; Beretta Property Management;
Campos Brothers Farms; Central California
Almond Growers Association; Central Valley
Almond Association, Inc.; CF Koehen & Sons,
Inc.; Dairyland Hullers; Farmers Cooperative;
Harriet Baldwin; Harris-Woolf Almond Huller;
Hashem Naraghi; Hilltop Circle L. Ranch;
James M. Paiva; James R. Lewis Orchards Inc.;
John Wynn; Mintum Almond Coop, Inc.; North
State Hulling Co-op, Inc.; Pacific Almond Co.;
Paramount Farms, Inc.; Paramount Farming
Company; Parreira Almond Processing Co.;
Peter D. Peterson; Stewart and Jasper Orchards;
South Valley Farms; Strain Orchards; The Hulling
Company; TM Duche Nut Co. Inc.;
Vernon Paddack; West Valley Hulling/Barry
Baker; Xcel Shelling, LLC.,

Complainants,

vs.

Pacific Gas and Electric Company and DOES 1
through 100,

Defendant.

Case 04-01-020
(Filed January 21, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME FOR FILING OF RESPONSES
TO MOTION FOR CLARIFICATION OF DECISION 05-05-048**

On September 7, 2005, Complainant Paramount Farms Inc. (Paramount) served a Motion for Clarification of Decision (D.) 05-05-048 on Defendant Pacific Gas and Electric Company (PG&E).

The Motion for Clarification (Motion) states that D.05-05-048 found that Complainants are entitled to be billed for electricity used in hulling and shelling operations at PG&E's agricultural rate, rather than a higher commercial rate. D.05-05-048 therefore ordered PG&E to issue refunds to Complainants in the amount of the difference between the agricultural and commercial rates retroactive to the date on which Complainants first requested agricultural rates by no later than 90 days after the mailing of the decision. According to the Motion, PG&E has declined to issue a refund to Paramount for its hulling operations, because Paramount did not list the correct account number for its huller on Exhibit A to the complaint.

The Motion states that Paramount inadvertently listed the account number of a huller whose operations had been discontinued before the filing of the complaint and omitted the account number of its current huller. However, Exhibit A lists Paramount as a complainant and includes Paramount's address.

Ordering paragraph 2 of D. 05-05-048 states:

PG&E, within 90 days after the mailing of this decision, shall refund to *each Complainant* ... an amount equal to the difference between what such complainant was billed for its almond hulling/shelling activities under the commercial tariff that PG&E applied, and what such customer should have been billed for its almond hulling/shelling activities under PG&E's applicable agricultural tariff (Emphasis added.)

Since the 90-day timeframe within which PG&E was required to issue refunds to Complainants has passed, the timely resolution of this Motion is necessary to avoid delay in implementation of the Commission's order.

Therefore, **IT IS RULED** that:

1. Pursuant to Rule 45(f) of the Commission Rules of Practice and Procedure, the time for filing a response to the Motion for Clarification (Motion) is shortened to 10 days. Pacific Gas and Electric Company (PG&E) shall file its response to the motion by no later than the close of business on September 19, 2005.

2. PG&E shall serve a copy of its response to the Motion on Complainants by e-mail, as well as by regular mail.

3. PG&E shall also transmit a copy of its response to the Motion to me by e-mail addressed to tom@cpuc.ca.gov, as well as by regular mail.

4. PG&E's response to the Motion shall include an explanation of PG&E's failure to issue a timely refund to Paramount, in view of the language of Ordering Paragraph 2 of Decision 05-05-048.

Dated September 13, 2005, at San Francisco, California.

/s/ MYRA J. PRESTIDGE

Myra J. Prestidge
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time for Filing of Responses to Motion for Clarification of Decision 05-05-048 on all parties of record in this proceeding or their attorneys of record.

Dated September 13, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.